IMT Nuremberg Archives

H – 917

International Court of Justice

Com.
Take 1-Pg. 17
Meehan
27 May.

OK

H0917-0002

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OR ORGANIZATIONS TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL, DATED 13 MARCH, 1946.

Monday ~~Wednesday~~, 27 May, 1946.

COMMISSIONERS:

Captain Tubridy
Mr. Rasumov

THE SS

(The Commission Commenced at 1115 hours)

GUENTHER JOEL, a witness, took the stand and testified as follows:

BY CAPTAIN TUBRIDY:

Q Will you state your full name?

A Guenther Joel.

Q Do you understand that you are still under oath?

A I do.

BY COLONEL JONES:

Q I want to ask you a few questions about the concentration camps run by the SS, which you told us about on Friday. When you went and dissolved the two concentration camps that you spoke about, what were the conditions that you found?

A. We had received reports by the state attorney on the mistreatments which occured at those camps. I am particularly referring to the concentration camps Stettin and Bredow. We received reports to the effect that persons who were politically hostile to the Nazi regime had been arrested without any further reason. The crimes committed by the SS were the depriving of personal liberties and bodily mistreatment. The local authorities found in the prosecution of those on the one hand by the local Gauleiter and secondly because

H0917-0003

there was no certainty under whose authority the concentration camp was run.

Q I don't think we should enlarge on that. What part did the Gauleiter play in respect to these concentration camps run by the SA?

A My personal impression was that he participated in the installment of the camps.

Q Were any lower ranking Hoheitstraeger concerned with these concentration camps?

A I am in no position to say, I was not concerned with that. My only connections were with the Gauleiters.

Q You told us that those camps were manned by SA personnel.

A In the case of Stettin - SS men.

Q Was Stettin a camp run by the SA or manned by the SS. I understood you to say that the camp was run by the SA?

A In my opinion, the camp at Stettin was an SS camp, because the president of the Police at Stettin was an SS leader.

Q The other camp that you mentioned, was that run by the SA.

A The Camp Wuppertal was a full SA camp.

Q Let me refer you to a Document entitled: "The Concentration Camp Oranienburg" written by the SS Sturmbannfuehrer and published in 1934. The number is PS 2824-U.S. 423. I will read you a short passage of that book on the Oranienburg Concentration Camp. "Every day the SA were composed of various companies and detached for the guard of the camp. The most trust and oldest SA men were selected in order to give them homes in the camp since they were the permament camp guards. In such manner, we created a corner of experienced guardsmen."

After the closing down of the unauthorized camps, which you have described, would you say from your knowledge that that passage I have read is correct?

2

H0917 - 0004

A From the point of view of the Administration of Justice, it was necessary that the guards in all penintentiary and civil institutions had received special training for the purpose.

Q Yes. Is it correct,or do you know that it is correct, that the SA personnel were employed at other concentration camps, such as the one at Oranienberg?

A Yes, that I know.

Q That was in 1934. I want to read to you a short passage from an affidavit of Walter Schellenberg, No. PS-3232,USA 435. I want you to tell me whether you agree with it: "From the beginning of 1944 the SA also participated in many of the functions which had previously been entrusted only to the SS, SIPO and the Army, for instance, the guarding of concentration camps, the guarding of prisoner of war camps, the supervision of a forced labor in Germany and occupied areas."

A I can not supply information on this point, because since 1939 the crimes committed by guards in concentration camps was out of hands of the ordinary course. By an order (Interpreter: I don't recall the long German name) for the protection of the Reich, in October 1939, the jurisdiction over concentration camps and similar institutions had been passed into special thought.

Q One or two questions about the behavior of the SA. I am going to read to you three lines from a pamphlet entitled,"SA Man" -- I beg your pardon, it is "The History of the SA," compiled on the order of the Supreme SA Headquarters. Published in 1938, and is No. PS-2168 US 411. I quote: "Possession of the streets is the key to power in the state - for this reason the SA marched and fought. However, the martial tread of the SA took care that even the drowsiest citizen had to see at least the inci-

H0917-0005

dent of a fighting troop." In what manner, generally speaking, did the SA insure that the drowsiest citizen would appreciate the incident of a marching troop? Can you describe that - can you quite briefly generally describe that behavior?

A The time period during which the SA had the say of anything of importance was in my opinion the period from 1933 to 1934.-

CAPTAIN TUBRIDY: Just a minute, please. Will you let him finish his question to have it in the record.

DR. RUDOLF ASCHENAUER: I have an objection to the question. May I make my objection now.

CAPTAIN TUBRIDY: Well, let's permit the witness to finish his answer, as the witness has given part of the answer.

DR. ASCHENAUER: The witness began to answer.

CAPTAIN TUBRIDY: What is your objection.

DR. ASCHENAUER: The witness has been called in regard to the SS, but he is asked to pass judgment on the SA, and I would like to ask as to what extent.I may want to question the witness later.

CAPTAIN TUBRIDY: ~~Just a minute~~. The questions that are being put regarding the SA are dealt with ~~very~~ largely ~~lightly~~ in connection with the SS organization, ~~so I think that the question can be answered~~.

COLONEL GRIFFITH JONES: Of course, may I be allowed to say this.

DR. ASCHENAUER: May I just ask questions on the same subject? The witness is not questioned in regard to the fact,but he is asked to pass judgment.

CAPTAIN TUBRIDY: The witness may be permitted to answer. If it is desired to ~~tell~~ call this witness on behalf of the SA, ~~on application~~, you may apply to have the witness called in regard to the SA.

H0917 - 0006

COLONEL GRIFFITH JONES: Of course, I would have an objection to the counsel for the SA examining him. Well, just continue and complete the answer to my last question.

THE WITNESS: From the period of 1933 until ~~1934~~ 30 June 1934 that the Ministry of Justice was made almost unsuccessful only with atrocities committed by the SA.

BY COLONEL GRIFFITH JONES:

Q That was the SA?

A Yes.

Q I will try to be content with that answer. If any counsel wishes to enlarge upon it, he will have the opportunity. The SA were active, were they not, in the persecution, or baiting of the Jews?

A Yes, that is correct.

Q Now I just want to refer you to one thing further on a document upon this. I refer to the affidavit of Samonn, PS 3221 , USA 447. Samonn was an editor in chief of a chain of daily newspapers in Cologne, and he says this: "On March 9,1933, the members of the SS and the SA came to my home in Cologne,and destroyed the furniture and my personal records. I was taken to the brown house in Cologne,where I was tortured, being beaten and kicked for several hours. I was then taken to the regular government prison in Cologne,whe re I was treated by two medical officers, and released the next day." Tell me, was that incident typical of many others carried out by the SA and the SS in 1933?

A There have occurred numerous incidents of that kind.

Q And did they continue, where incidents of that kind, against persons holding different political views, as happening from 1933 up until after

H0917-0007

the beginning of the war?

A I believe to be in a position to state that the execution of the Justice Administration became far more regular after 1934, and the number of such incidents decreased.

Q I take it from that that they did to some extent continue?

A It may have happened that one or the other of such cases yet took place after 1934, and was prosecuted subsequently, but I do believe that the number of such cases was very small after 1934.

Q Now I want to ask you one question about the anti-Jewish activities of the SA. You remember the demonstrations of November 1938?

A Yes.

Q The SA took active part in those demonstrations throughout the length and breadth of Germany.

A On the basis of my investigation, yes.

Q Now one or two questions about the Gestapo. It is a fact, is it not, that in the authorized concentration camps there were cases of atrocious and ill treatment from the earliest days?

A In numerous instances the prosecuting authorities of the Ministry of Justice had been compelled to take action, and to impose punishment in such cases.

Q And were many of the persons responsible members of the Gestapo?

A I do not think that there were members of the Gestapo, but rather members of the respective guard outfits. After further consideration I do recollect two cases of mistreatment in which two members of the Gestapo were involved, and were prosecuted by the Ministry of Justice. These refer to two hearings, one in Berlin, and one in Duesseldorf, in which the name of the Gestapo was involved.

H0917 - 0008

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

MONDAY, 27 MAY 1946

COMMISSIONERS:

Mr. I. D. McIlwraith
Mr. Igor Rasymov

THE GESTAPO

(The commission ~~convened~~ resumed at ~~1545~~ 1545 hours.)

DR. GUENTHER JOEL, a witness, took the stand and testified as follows:

MR. McILWRAITH: Will you remind the witness that he is still under oath?

DIRECT EXAMINATION

BY DR. ASCHENAUER, for S.A.:-

Q I have the affidavit of Raymond Geist given in Mexico on the 28th of January, 1945. The Prosecution submitted it as document 1959-PS. As the affidavit shows, Geist was Mexican Consul in Berlin from December, 1929, to the end of 1939. I quote from the affidavit, on page 9;

"Immediately after their establishment in 1933, the concentration camps were placed under the Gestapo and remained under the jurisdiction of the Gestapo."

I therefore ask the witness, how do you explain the contradiction between the affidavit of Geist and your testimony this morning?

A I see no contradiction. I said that only for a few camps which I

H0917-0009

mentioned by name, and which I knew personally, ~~is~~ seemed to an outsider like me to be under the SA. I also said that the SA leaders in these camps were also police chiefs.

Q Then these SA leaders acted as police presidents?

A I did not ask any of them on which basis they were working.

Q You were employed in the Reich Ministry of Justice. Do you recall that in regard to Schaefer, there was a controversy between supreme SA leaders and the Reich Ministry of Justice? The SA leaders refused to assume responsibility for the concentration camp Oranienburg.

A I don't understand what the concentration camp Oranienburg had to do with the Ministry of Justice.

Q I only want to ask whether the controversy between the Reich Ministry of Justice was known to the witness?

A I will have to be asked more specific questions because Schaefer was in charge of the concentration camp Oranienburg, and later was taken into the Reich Ministry of Justice in the execution of justice, and only at that time did he come under the jurisdiction of the Ministry of Justice. As long as he was in Oranienburg, he had nothing to do with the Ministry of Justice.

Q Do you know that the concentration camps in Southern Germany were instituted at the suggestion of Himmler and Heydrich? Himmler was, at that time, a Police President in Munich, and Heydrich was his deputy.

A I heard that at the time these camps were set up in Bavaria by Heydrich or Himmler.

Q As Consular in the Reich Ministry of Justice, did you deal in cases for NSDAP and its plans?

A Yes.

HO917-0010

Q What did you learn concerning the SA leadership in connection with the execution of Jews on the 9th and 10th of November, 1938?

A After the events on the 8th and 9th of November, the Reich Ministry of Justice entrusted me with the investigation of this matter. It was very difficult to investigate matters of this kind. No one, no source, wanted to give information and the persons who had executed these actions had been in civilian clothes.

According to my files, I came to the following results. On the evening of the 9th of November, a dinner took place in Munich in Oberbuergermeister Fiehler's house. The Reich leaders, Gauleiters, and Formation Leaders were gathered there every year. Hitler was also present at this dinner. Heydrich, the Chief of the Security Police, brough t the news of the death of Mr. Von Rath.

After discussions, the Fuehrer, Goebbels, and Heydrich left the room. Goebbels returned after about a quarter of an hour and made a speech to the participants in the dinner who were still present. The sense of the speech was about as follows:

> The revolution which had failed in 1933 would now be made up. A popular uprising has taken place. It doesn't matter whether the Jewish synagogues suffered.

That was about the meaning of the speech, and thereupon the Gauleiters apparently informed their home towns by telephone and thus, these excesses were instigated by the political leaders. I was not able to ascertain whether the Chief of Staff of the SA gave an order to the SA.

Q But I believe that you know that the Chief of Staff of the SA on 10 November 1938, prohibited the SA from taking part in this action?

H0917-0011

A I recall that I was informed that on the morning of the 10th, the SA leadership had forbidden the SA to take part in these measures.

Q Did you, in your investigation, come across a certain Mr. Walter of the Propaganda Ministry who, according to my information, organized this work?

A No, I don't recall that.

Q For your information, Walter was then Vice Chief of the Army Group. He became a leader with General Miegenfeld.

A No, I don't recall ever having heard this name.

Q Another question. Was the theory and practice of the Marxists put into practice in the street fighting? Was this discussed on the streets?

MR. McILWRAITH: I don't know what you mean by the theory of the Marxists.

BY DR. ASCHENAUER:

Q Was the theory and practice of the Marxists put into practice in the struggle on the streets? Street fighting.

A I believe that's a question for a politician.

Q Then I will ask you, are there any decisions of a legal court which throw light on the street fighting of the Communistic fighting, for example?

A I believe that there are such decisions. But perhpas the SA lawyer will ask me whether before 1933 I had any experience that the other organization had fought on the streets?

Q I ask this question.

A In 1931 and 1932, as a political expert in Kassel, I dealt in several matters in street fights by the Rotfront.

Q Did this street fighting make it necessary to protect meetings?

H0917-0012

M. MONNERAY: I object to this question. I do not see the relevance of these questions to this witness.

COL. SMYRNOW: Political questions should not be discussed here.

DR. ASCHENAUER: These are questions where there are decisions of the Reich Court.

MR. McILWRAITH: And therefore were not proper questions to this witness.

DR. ASCHENAUER: Then I have no more questions.

MR. McILWRAITH: Whose witness is this?

THE INTERPRETER: The Gestapo.

MR. McILWRAITH: Is there no one representing the Gestapo here? (No answer). Is there any cross examination?

CROSS-EXAMINATION

BY COL. GRIFFITH L. JONES:

Q I would like to refer to one document in view of what the witness said about the November 1938 demonstration. I want to read you a short passage and then ask you a question. I read from an order from the SA of the 50th Brigade, addressed to the SA Group, dated 11 November 1938, and numbered PS-1721, US-425. That directive reads as follows:

"The following order reached me at 3 o'clock on 10 November 1938. On the order of the Gruppenfuehrer, all the Jewish synagogues within the 50th Brigade are to be blown up or set on fire immediately. Neighboring houses occupied by Aryans are not to be damaged. The action is to be carried out in civilian clothes. . . ." and thereafter follows a report of some thirty synagogues destroyed.

During the course of your investigation into the demonstration, did you find evidence such as that of organized participation by the SA?

H0917-0013

A No, I was only to ascertain the ultimate authority which had ordered this action. I have already said that there were present the leaders of the formation and that would include the SA leaders.

COL. JONES: That is all I have to ask.

MR. McILWRAITH: The witness may go and we will have the next witness.

(The Commission adjourned at 1615 hours.)

The foregoing is a true and correct transcript of the testimony of DR. GUENTHER JOEL, taken on 27 May 1946.

Liilani A. Ahuna
Reporter (pp 1-6)

Reporter (pp)

Reporter (pp)

CERTIFIED TO:

I. D. McIlwraith
Commissioner

J. Rasumov
Commissioner

H0917 - 0014

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

MONDAY, 27 MAY 1946

COMMISSIONERS:

Mr. I. D. McIlwraith
Mr. Igor Rasumov

THE GESTAPO

(The commission resumed at 1545 hours)

DR. GUNTHER JOEL, a witness, took the stand and testified as follows:

MR. McILWRAITH: Will you remind the witness that he is still under oath?

DIRECT EXAMINATION

BY DR. ASCHENAUER, for SA:

Q I have the affidavit of Raymond Geist given in Mexico on the 28th of January, 1945. The Prosecution submitted it as document 1959-PS. As the affidavit shows, Geist was Mexican Consul in Berlin from December, 1929, to the end of 1939. I quote from the affidavit, on page 9:

"Immediately after their establishment in 1933, the concentration camps were placed under the Gestapo and remained under the jurisdiction of the Gestapo."

I therefore ask the witness, how do you explain the contradiction between the affidavit of Geist and your testimony of this morning?

A I see no contradiction. I said that only for a few camps which I mentioned by name, and which I knew personally, seemed to an outsider like me to be under the SA. I also said that the SA leaders in these camps were also police chiefs.

Q Then these SA leaders acted as police presidents?

A I did not ask any of them on which basis they were working.

Q You were employed in the Reich Ministry of Justice. Do you recall that in regard to Schaefer, there was a controversy between supreme SA leaders and the Reich Ministry of Justice? The SA leaders refused to assume responsibility for the concentration camp Oranienburg.

H0917 - 0015

A I don't understand what the concentration camp Oranienburg had to do with the Ministry of Justice.

Q I only want to ask whether the controversy between the Reich Ministry of Justice was known to the witness?

A I will have to be asked more specific questions because Schaefer was in charge of the concentration camp Oranienburg, later was taken into the Reich Ministry of Justice in the execution of justice, and only at that time did he come under the jurisdiction of the Ministry of Justice. As long as he was in Oranienburg, he had nothing to do with the Ministry of Justice.

Q Do you know that the concentration camps in Southern Germany were instituted at the suggestion of Himmler and Heydrich? Himmler was, at that time, a Police President in Munich, and Heydrich was his deputy.

A I heard that at the time these camps were set up in Bavaria by Heydrich or Himmler.

Q As Consular in the Reich Ministry of Justice, did you deal in cases for NSDAP and its plans?

A Yes.

Q What did you learn concerning the SA leadership in connection with the execution of Jews on the 9th and 10th of November, 1938?

A After the events on the 8th and 9th of November, the Reich Ministry of Justice entrusted me with the investigation of this matter. It was very difficult to investigate matters of this kind. No one, no source, wanted to give information and the persons who had executed these actions had been in civilian clothes.

According to my files, I came to the following results. On the evening of the9th of November, a dinner took place in Munich in Oberbuergermeister Fiehler's house. The Reich Leaders, Gauleiters, and Formation leaders were gathered there every year. Hitler was also present at this dinner. Heydrich, the Chief of the Security Police, brought the news of the death of Mr. Von Rath.

After discussi n, the Fuehrer, Goebbels, and Heydrich left the room. Goebbels returned after about a quarter of an hour and made a speech to the participants in the dinner who were still present. The sense of the speech was about as follows:

H0917-0016

The revolution which had failed in 1933 would now be made up. A popular uprising has taken place. It doesn't matter whether the Jewish synagogues suffered.

That was about the meaning of the speech, and thereupon the Gauleiters apparently informed their home towns by telephone and thus, these excesses were instigated by the political leaders. I was not able to ascertain whether the Chief of Staff of the SA gave an order to the SA.

Q But I believe that you know that the Chief of Staff of the SA on 10 November 1938, prohibited the SA from taking part in this action?

H0917 - 0017

A I recall that I was informed that on the morning of the 10th, the SA leadership had forbidden the SA to take part in these measures.

Q Did you, in your investigation, come acrcss a certain Mr. Walter of the Propaganda Ministry who, according to my information, organized this work?

A No, I don't recall that.

Q For your information, Walter was then Vice Chief of the Army Group. He became a leader with General Miegenfeld.

A No, I don't recall ever having heard this name.

Q Another question. Was the theory and practice of the Marxists put into practice in the street fighting? Was this discussed on the streets?

MR. MCILWRAITH: I don't know what you mean by the theory of Marxists.

BY DR. ASCHANAUER:

Q Was the theory and practice of the Marxists put into practice in struggle on the streets? Street fighting?

A I believe that's a question for a politician.

Q Then I will ask you, are there any decisions of a legal court which throw light on the street fighting of the of the Communistic fighting,for example

A I believe that there are such decisions. But perhaps the SA lawyer will ask me whether before 1933 I had any experiences that the other organization had fought on the streets?

Q I ask this question.

A In 1931 and 1932, as a political expert in Kassel, I dealt in several matters in street fights by the Rotfront.

Q Did this street fighting make it necessary to protect meetings?

M. MONNERAY: I object to this question. I do not see the relevance of these questions to this witness.

COL. SMYRNOW: Political questions should not be discussed here.

DR. ASCHENQUER: These are questions where there are decisions of the Reich Court.

MR. MR ILWRAITH: And therefore were not proper questions to this witness.

DR. ASCHENAUER: Then I have no more questions.

MR. MC ILWRAITH: Whose witness is this?

H0917-0018

THE INTERPRETER: The Gestapo.

MR. MC ILWRAITH: Is there no one representing the Gestapo here? (No answer) Is there any cross examining?

CROSS-EXAMINATION

BY COL. GRIFFITH L. JONES:

Q I would like to refer to one document in view of what the witness said about the November 1938 demonstration. I want to read you a short passage and then ask you a question. I read from an order from the SA of the 50th Brigade, addressed to the SA Group, dated 11 November 1938, and numbered PS-1721, US-425. That directive reads as follows:

"The following order reached me at 3 o'clock on 10 November 1938. On the order of the Gruppenfuehrer, all the Jewish synagogues within the 50th Brigade are to be blown up or set on fire immediately. Neighboring houses occupied by Aryans are not to be damaged. The action is to be carried out in civilian clothes. . . . " and thereafter follows a report of some thirty synagogues destroyed.

During the course of your investigation into the demonstration, did you find evidence such as that of organized participation by the SA?

A No, I was only to ascertain the ultimate authority which had ordered this action. I have already said that there were present the leaders of the formation and that would include the SA leaders.

COL. JONES: That is all I have to ask.

MR. MC ILWRAITH: The witness may go and we will have the next witness.

(The Commission adjourned at 1615 hours.)

The foregoing is a true and correct transcript of the testimony of DR. GUENTHER JOEL, taken on 27 May 1946.

Pulani A Ahuna
Reporter

CERTIFIED TO:

I. D. Mc Ilwraith
Commissioner

J. Rasumov
Commissioner